

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 237 – HB 457

April 15, 2013

SUMMARY OF ORIGINAL BILL: Authorizes courts upon request of eligible petitioner, as defined for purposes of expunction, to prescribe community service in lieu of the fee for having records expunged under Tenn. Code Ann. § 40-32-101. Such community service shall not exceed 20 hours.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – \$7,600/TBI
\$19,700/District Attorneys Expunction Fund
\$2,200/Public Defenders Expunction Fund
\$21,900/General Fund

Increase State Expenditures – Not Significant

Decrease Local Revenue – \$1,500/Court Clerks
Increase Local Expenditures – Not Significant

SUMMARY OF AMENDMENT (006902): Deletes all language after the enacting clause.

Permits a petitioner to enter into a payment plan with the court clerk to pay the \$350 expunction fee in installments. An order of expunction shall not be granted until the full \$350 fee is paid.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – \$1,000/TBI
\$2,600/District Attorneys Expunction Fund
\$300/Public Defenders Expunction Fund
\$2,900/General Fund

Increase Local Revenue – \$200/Court Clerks

Assumptions for the bill as amended:

- The bill would result in individuals who are “eligible petitioners” to have the records expunge that could not do so previously because they could not afford the \$350 fee.

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- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee one pays for having records expunged is distributed as follows:
 - \$10.00 to the court clerk collecting the fee;
 - \$50.00 to the TBI;
 - The remainder (\$290.00) is distributed:
 - 5% (\$14.50) to the PDs expunction fund;
 - 40% (\$116.00) to the DAs expunction fund for fiscal year 2012-2013 and 45% (\$130.50) beginning fiscal year 2013-2014;
 - 55% (\$159.50) to the state general fund for fiscal year 2012-2013 and 50% (\$145.00) beginning fiscal year 2013-2014.
- The bill, if enacted, will be effective July 1, 2013, the beginning of fiscal year 2013-2014. Thus, the percentages that will be effective in fiscal year 2013-2014 and subsequent fiscal years will be used to estimate the impact of the bill.
- It is assumed that the bill would result in 20 additional petitioners each year having their records expunged.
- The bill would result in increased state revenue of \$6,800 (\$340 x 20) and increased local revenue of \$200 (\$10 x 20).
- The TBI would receive \$1,000 (\$50 x 20); the DAs would receive \$2,610 (\$130.50 x 20); the PDs would receive \$290 (\$14.50 x 20); and the General Fund would receive \$2,900 (\$145 x 20).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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